



Issue 11  
March 2001

Many Voices Working for the Community

# Advocate

## DOE Begins Work at Onsite Waste Management Facility, Plans Next Steps

Following years of planning, public debate and negotiations with regulatory agencies, work has begun at last on DOE's Environmental Management Waste Management Facility (EMWMF).

Bill Cahill, DOE's project manager for the waste facility, told the SSAB's Waste Management Committee recently that work is now underway at the East Bear Creek Valley site. Some road realignments have been made, he said, and work on the sedimentation ponds is in progress. Operation of the facility should begin in November.

ORSSAB has been actively tracking EMWMF since 1997 and has submitted comments on the facility to DOE five times during various stages of EMWMF's development. In 1998 the Board established a committee solely for the purpose of studying the concept, and EMWMF was the lead story of the November 1998 issue of the *Advocate* (available on the web at [www.oakridge.doe.gov/em/ssab](http://www.oakridge.doe.gov/em/ssab)).

These days the Board's attention is focused not on facility design or siting but on the waste acceptance criteria (WAC) that will be used to determine what can and cannot be placed inside the "cell" as it is commonly called.

A partial answer to that question came in January when DOE released the *Attainment Plan for Risk/Toxicity-Based Waste Acceptance Criteria at the Oak Ridge Reservation, Oak Ridge, Tennessee* (DOE/OR/01-1909&D1), which identifies key processes, roles, and responsibilities for the WAC. The plan

discusses the framework DOE will use to:

- analyze and certify waste lots,
- establish acceptability of waste treatment processes over and above any needed to meet provisions,
- calculate WAC concentrations for new radionuclides or chemicals not currently identified in the waste inventory,
- determine acceptability of each waste lot for disposal,
- perform necessary waste treatment over and above any needed to meet provisions,
- schedule waste disposition,
- perform quality control measures, and
- prepare and maintain records.

The term "WAC" refers to a set of requirements that must be met for waste to be accepted for EMWMF disposal. They fall into three broad categories: administrative, analytic, and physical. The WAC Attainment Plan is meant to cover all aspects of meeting all three categories.

Administrative WAC are the requirements placed on waste acceptance as a result of legal agreements. These include restrictions such as that the EMWMF may only take in CERCLA wastes and that no free liquids or explosives may be accepted.

Analytic WAC are limitations on contaminant concentrations in a given waste form. The total load of contamination allowed must result in total risk below acceptable levels. Individual contaminants may exceed analytic WAC as long as the total waste load is within the risk level when the facility is full.

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## SSAB Asks Agencies to Discuss Watershed Concept

ORSSAB has asked DOE, the Environmental Protection Agency, and the Tennessee Department of Environment and Conservation to explain why they appear to be backpedaling on the watershed cleanup approach to cleaning up contaminated areas of the Oak Ridge Reservation.

In comments the Board submitted to DOE on its recently released proposed plan for interim control actions in Upper East Fork Poplar Creek (UEFPC), the board reproached all three agencies for a “breakdown of the watershed approach that has been applied successfully to Bear Creek Valley, Melton Valley, and soon to Bethel Valley but appears to have met a roadblock with regard to UEFPC and the East Tennessee Technology Park.”

According to the board’s statement, the watershed approach permits consistent cleanup goals and standards for entire watersheds, optimizes remediation efforts and cleanup resources, and facilitates a coordinated technical approach and field implementation.

The board requested that each of the agencies “provide their specific reasons for not taking the watershed approach at UEFPC or the East Tennessee Technology Park” at the SSAB meeting on June 13, the transcript of which the board asks be included in the project’s administrative record.

In addition to their concern with the limited scope of the proposed work, the board also took issue with the UEFPC plan for its lack of commitment to long-term stewardship of contaminated sites—a subject the group has been working on, both locally and nationally, for several years. Limiting the scope of the proposed plan could greatly complicate DOE’s ability to define the long-term stewardship requirements for UEFPC.

The board’s comments state that “Oak Ridge stakeholders cannot accept any decision that leaves waste material or residual contamination in place unless we can be assured that reliable measures are available to ensure that the remedy will remain protective of human health

and the environment for as long as the waste material or residual contamination remains a threat.”

“Reliable long-term funding must be available because competent sustainable stewardship is impossible without financial support,” the comments continue. “To that end, stewardship costs must be factored into the analysis and selection of remedial actions. It is difficult to believe that DOE can so completely ignore the elements of stewardship developed in partnership with representatives of the community.”

In an effort to help DOE and the regulators make the UEFPC proposed plan and other documents more “stewardship friendly,” the board included specific language it would like to see in all future proposed plans and records of decision. See page 4 for an abridged version of the comments. Complete text of the board’s 11-page comment letter is available at its web site: [www.oakridge.doe.gov/em/ssab](http://www.oakridge.doe.gov/em/ssab).

## Two ORSSAB Members Appointed to New Health Group

SSAB members Charles Washington and Bill Pardue have long resumes related to participation in Oak Ridge community organizations, and now they’ve added one more. Both men have been appointed to the Oak Ridge Reservation Health Effects Subcommittee (ORRHES), which held its first meeting in November.

ORRHES was chartered by the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention to provide advice and recommendations concerning health activities and research conducted by the agencies. The committee’s purposes are to



*Charles Washington (left) and Bill Pardue during a break at the January 18 meeting of the Oak Ridge Reservation Health Effects Subcommittee.*

(1) help prioritize public health issues and community concerns, (2) provide input in developing ATSDR’s public

health assessment and community needs assessment, (3) provide input into follow-up public health activities, and (4) provide an opportunity for citizens to collaborate with agency staff and learn more about the public health assessment

process. Both Charles and Bill have retained their ORSSAB memberships and will serve on both groups.

## DOE Begins Work on Waste Management Facility

*continued from page 1*

Physical WAC are the physical limitations placed on waste forms. These include weight limits on containers, size limits on debris and limits on void spaces within the cell.

A key component of the WAC Attainment Plan is the WAC Attainment Board, which will be composed of representatives of DOE and the M&I contractor, with state and federal regulators serving in an oversight and advisory capacity. The board will serve several functions. It will (1) certify that the disposal applications are filled out

correctly; (2) review and concur with volume-weighted sum-of-fractions tracking; and (3) certify waste acceptance in accordance with administrative, analytic, and physical WAC. Bechtel Jacobs is responsible for computing the running calculations and submitting them to the WAC Attainment Board.

The SSAB's Waste Management Committee reviewed the WAC Attainment Plan and prepared comments, which went before the SSAB for approval at its March meeting. The committee has also prepared a long list of "information

needs" it has asked DOE to address so that the committee can consider further recommendations. This information will also help the committee create a set of materials it plans to distribute to the public to help stakeholders grasp some of the more complex issues involved in the WAC.

Next up for the committee will be to review regulator comments on the WAC Attainment Plan, which are due to DOE on March 22. According to Cahill, a D2 document will be transmitted to the regulators by May 23, and approval of the D2 is anticipated on June 22.

## ORSSAB Members Visit Waste Storage Facilities

*By Corkie Staley, ORSSAB Secretary*

Seven members of the SSAB visited Envirocare of Utah, the Waste Isolation Pilot Plant (WIPP) in New Mexico, and the Nevada Test Site (NTS) and the Yucca Mountain Project in Nevada during the week of February 5–8.



*ORSSAB members on tour at WIPP. Left to right: Scott Vowell, Kerry Trammel, Peery Shaffer, Avalon Mansfield, Corkie Staley, Shane Bellis.*

Staff at each of the facilities presented site information, including history, environmental and geological data, safety, transportation, risk management, licensing, and financial issues.

The ORSSAB members were introduced to the current technologies and engineering techniques used for

waste storage at each of the facilities. Staff at each of the sites answered questions from the group and addressed concerns that were raised by the Board members.

Highlights of the trip included a tour of each of the sites, underground observation of operations at the WIPP and Yucca Mountain sites and bus tours of Envirocare and NTS.

Board members found this experience to be very educational and believe that the experience will better enable them to consider issues concerning the disposal and storage of waste generated at Oak Ridge.

Envirocare of Utah is a commercially operated facility, located 80 miles from Salt Lake City. Over 20 DOE sites, including Oak Ridge, send a variety of wastes for disposal there.

WIPP became the nation's first operating underground repository for

defense-generated transuranic waste in March 1999. Located in southeastern New Mexico, WIPP's disposal rooms are 2,150 feet (about one-half mile) underground in a salt formation.

NTS is a 1,350 square mile area, where around 800 underground and 100 above-ground tests of nuclear and conventional explosives were conducted from the 1950s to the 1990s.



*Paul Larson of Envirocare (far right) explains facility operations to the ORSSAB group.*

The Yucca Mountain Project is located within NTS and is being conducted to provide the basis for a national decision regarding the development of a repository for spent nuclear fuel and high-level waste.



## Recent Recommendations and Comments

*Following are abridged versions of recent ORSSAB recommendations and comments. Full text may be found on the web at [www.oakridge.doe.gov/em/ssab](http://www.oakridge.doe.gov/em/ssab).*

### **Comments on the Proposed Plan for Interim Source Control Actions for Contaminated Soils, Sediments, and Groundwater (Outfall 51) Which Contribute Mercury and PCB Contamination to Surface Water in the Upper East Fork Poplar Creek Characterization Area, Oak Ridge, Tennessee (DOE/OR/01-1839&D2)**

*This proposed plan identifies the preferred alternative for interim source control actions for remediation of mercury and PCB-contaminated media in Upper East Fork Poplar Creek (UEFPC), which encompasses the developed Y-12 Plant industrial area. The preferred alternative would limit releases at the sources. The SSAB Environmental Restoration and Stewardship committees reviewed the document and generated an 11-page set of comments, which the Board approved at its February 14 meeting.*

ORSSAB is on record as supporting the watershed approach to remediation. We believe that a comprehensive watershed approach to remediation planning is more effective than the usual unit-by-unit approach. The watershed approach provides the public with a road map and schedule of proposed remediation activities, facilitates understanding and oversight of DOE's progress, and allows for comprehensive stewardship planning for the Oak Ridge Reservation (ORR).

Our review of the UEFPC Proposed Plan highlights what we believe are issues related to the breakdown of the watershed approach. These include the following issues:

- lack of an overall approach to cleanup levels and development of a range of cleanup criteria,

- lack of an implementation strategy for remedial actions,
- fragmentation of analysis,
- lack of an overall approach to stewardship, and
- lack of a satisfactory approach to and discussion of cumulative impacts.

Previous UEFPC documents presented a holistic approach to UEFPC remediation. Thus, it appears that with publication of the Proposed Plan, DOE, EPA Region 4, and the Tennessee Department of Environment and Conservation are reneging on their commitment to a watershed strategy for the ORR. The SSAB is requesting from each of the parties an explanation of this decision. Specifically:

- Is this change from the watershed approach a conscious decision?
- If so, why wasn't the public notified and involved?
- If the decision just evolved (i.e., without formal documentation), we question if this is an appropriate way to run a CERCLA regulated remediation program.

We are requesting a public meeting with the parties to discuss and resolve these issues with regard to the watershed approach for UEFPC and the East Tennessee Technology Park.

#### General Comments on the Plan

More justification is needed for development and selection of a mercury (water) treatment technology that involves capturing mercury from a vent stream.

Air emissions from CERCLA projects fail to receive sufficiently rigorous evaluation to address all concerns that may be raised by personnel in proximity to remediation efforts.

Those responsible for stewardship and their roles must be determined.

Activities needed to ensure the integrity of remediation must be described. Accurate and durable information records regarding contamination risks and stewardship requirements must be readily available and accessible. And, reliable long-term funding must be available because competent sustainable stewardship is impossible without financial support. To that end, stewardship costs must be factored into the analysis and selection of remedial actions.

We expect to see a section devoted to discussion of stewardship accompanied by a table that outlines stewardship requirements for the three alternatives.

We believe that better organization of the stewardship/land use control (LUC) issues would result in a more acceptable document especially since it is stated in several places that all alternatives rely on LUCs for protection of potential human receptors within the UEFPC Characterization Area (CA).

We expect to see the LUCs and stewardship elements included in the discussion and tables for the three alternatives in sufficient detail to support a reasoned evaluation of the LUCs and stewardship in the remedy proposal and selection process. A more complete discussion must be provided for the preferred alternative.

The discussion of the preferred alternative must, at a minimum, include the strategies set out in the ORR LUC Assurance Plan (LUCAP). In addition, there must be mention of the 5-year review, the annual Remediation Effectiveness Report, the availability and location of data/reports/CERCLA and post-Record of Decision (ROD) documents.

There must be a commitment to public participation in post-ROD activities

## Recent Recommendations and Comments

and review of post-ROD documents. This is missing in the EPA policy “Assuring Land Use Controls at Federal Facilities” and the ORR LUCAP.

We recommend that the “Commitment to Stewardship” section of this document and all other proposed plans and RODs include the following statement:

Radioactive and hazardous contaminants will remain in the UEFPC CA following the remedial actions described in the proposed plan and subsequent ROD. These residuals will require monitoring, maintenance of containment structures and other land use controls, and restriction of access for \_\_ years, to protect the public’s health and the environment. The implementation and funding of these activities is acknowledged to be the responsibility of the federal government, through its designated contractors or agents, until the hazards and risk are negligible. The federal government will provide for public involvement in the oversight of stewardship and land use control activities by supporting a citizens group and by ensuring public input to all CERCLA documents and subsequent reviews of contaminated areas until the site is suitable for unrestricted use.

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### Comments on the Draft Long-Term Stewardship Study of October 2000

*DOE prepared this study in accordance with the terms of a 1998 settlement agreement that resolved a lawsuit brought against DOE by the Natural Resources Defense Council and other plaintiffs. The draft study examines the institutional and programmatic issues facing DOE as it completes the environmental cleanup program at its sites. The following comments were prepared by the ORSSAB Stewardship*

*Committee and approved by the Board at its December 13, 2000, meeting.*

This report is an excellent effort to illuminate the large issues for DOE Long-Term Stewardship (LTS) and to indicate the available broad policy directions. We did not detect a major point that is not covered somewhere at least by implication. A few ideas, however, were treated too lightly or indirectly to command the future attention they deserve.

Citizen requests for better LTS coverage in Proposed Plans and Records of Decision (RODs) are dismissed on pages 15 and 17 in Section 3.2 with an argument based on a flawed statement of the request. Nobody expects a detailed stewardship plan in a ROD that would locate signs, fenceposts, the exact width of buffer zones, or list the botanical and biological species that will be monitored forever. Yet the impossibility of including such detail has been given as the reason for not including meaningful stewardship discussions in the crucial decision documents that describe the whole remediation strategy for an area (i.e., Proposed Plans and RODs). How can stewardship be considered in remedy selection (as suggested on page 16) if these documents do not clearly commit to maintaining a level of remediation through time that is sufficient to achieve the chosen Remedial Action Objectives? We believe that a post-ROD document, to which the public has no formal input, is no place to be defining high level goals for long-term stewardship as is suggested near the end of page 17.

On page 41 and Exhibit 5-1, the authors of the Study acknowledge that persons outside the originally contaminated area are protected from hazards primarily by “engineering controls” designed to stabilize the contaminants, rather than by “institutional controls”

that keep people away from hazards. However, the rest of the report dwells far too much on the latter type of remedy. Unless contaminated properties are transferred to owners who prove to be complacent and uncooperative, the engineering controls and their maintenance will be the more important for DOE sites. Where hazardous contamination will be left in place at weapons sites, engineered physical controls will be added; storms and floods are bound to challenge the halfway measures that must be used to control contaminant transport. We believe the Study should emphasize LTS for “engineering controls.”

On page 48 the authors indicate the possible uselessness of land use control measures such as deed restrictions. The paper of Mary English, your Reference 49, indicates that easements and other deed restrictions have been found to fail over time unless the owner that originates the restrictions (here usually the federal government) consistently enforces the restrictions in the civil courts. This finding is very important, and suggests a strong and difficult condition for the usefulness of deed restrictions. This consistent enforcement caveat needs emphasis.

Please mention the significance of cost inflation to the considerations involving trust funds in Section 8. The trust described in Exhibit 8-5 can succeed only if the terms of agreement are broadly interpreted to include using a portion of the trust income to increment the principal.

The importance of continuing local public involvement for effective LTS is introduced on page 91. We would go farther. We think some sort of citizen stewardship board will be needed at the highly contaminated sites.

## Membership News

Several changes have taken place in membership recently, and a recruitment drive is currently underway.

Five members of the Board (Robert Blaum, Tami Hamby, Demetra Nelson, Darrell Srdoc, and Rikki Traylor) resigned in the past few months due to career and family commitments. DOE appointed three replacements in December (John Kennerly, John Million, and Kevin Shaw), drawn from the pool of potential membership candidates who were recommended by the independent screening panel.

To bring the SSAB back up to its 20-member limit and replenish the candidate pool, a recruitment drive, which ends on March 30, is currently underway (see ad below for details). Following are brief biographies of the ORSSAB members appointed in December.

**John Kennerly** is a retired chemical engineer who worked for Lockheed Martin Energy Systems. He has broad experience in diverse environmental

management technology areas, such as environmental restoration, waste management, D&D, permitting, planning, and cost estimating. He also has experience in process development and design and other areas of technology. He is a member of the Sierra Club, the American Institute of Chemical Engineers, the American Society of Testing and Materials, the Tennessee Ornithological Society, the Board of Directors for Tennessee Wesleyan College, and the program advisory committee for the yearly Waste Management Conference. John is a Knoxville resident.

**John Million** is retired chemist who worked at the K-25 site, now known as the East Tennessee Technology Park. A resident of Oak Ridge since 1957, John has a high interest in the well-being of the community. He is a member of the Woodland Neighborhood Association, which is in close proximity to the Oak Ridge Y-12 Plant.

**Kevin Shaw** served through February but then resigned when he accepted a

position at Brookhaven National Laboratory in New York. John has a background as an environmental scientist for Bechtel Environmental, Inc., with an M.S. degree in biological sciences, over 25 years experience in environmental science, and service on several committees overseas that reviewed environmental policy. He hopes to continue his interest in DOE remediation activities at his new location on Long Island.

### Demetra Nelson, Rikki Traylor Honored for Service to Board

On February 14, Rod Nelson, Assistant Manager for Environmental Management, presented service awards to Demetra Nelson (top photo) and Rikki Traylor (bottom photo), who had recently left the Board after long periods of distinguished service. Demetra had served on the Board since June 1997. She was a committee leader in 1999 and ORSSAB Vice Chair in FYs 2000 and 2001. Rikki joined the Board in August 1995 as a charter member. She served as both a committee leader and Board Secretary in FYs 1999 and 2000. The Board thanks Demetra and Rikki for their significant contributions to the SSAB.



## This Seat Could Be Yours!

### INTERESTED?

The Oak Ridge Site Specific Advisory Board (ORSSAB) is seeking volunteers to fill current and future Board vacancies. If you are interested in joining ORSSAB or would like to learn more about Board membership, call (865) 241-3665 or visit the ORSSAB home page on the web at <http://www.oakridge.doe.gov/em/ssab>. The deadline for submitting applications is March 30, 2001.



ORSSAB is an independent citizens panel advising the U.S. Department of Energy on environmental management issues on the Oak Ridge Reservation. Membership on the Board reflects the diversity of communities surrounding the reservation and includes a balance of technical and non-technical representatives.

## Reservation News

### NIOSH Report Recommends Comprehensive Worker Information System

A recently released report by the National Institute for Occupational Safety and Health (NIOSH) recommends that a comprehensive worker information system be established to better study the relationship between occupational exposures and worker health problems.

“At the present time, the necessary information to conduct epidemiologic, exposure assessment, or hazard surveillance studies on remediation workers is not available,” the report states.

The report addresses whether records currently collected by DOE sites allow accurate identification of remediation workers and their exposure, work history, and medical information. Several problems were noted in trying to evaluate this information, such as incomplete rosters of workers and gaps in exposures and work history. Oak Ridge was one of several DOE sites studied.

The recommended system would include each worker who has participated in site remediation efforts, whether as an employee of DOE, a prime contractor, or a subcontractor.

“Potential benefits,” the report says, “of DOE implementing a comprehensive remediation worker information system include an enhanced ability to limit worker risk, as well as better understanding of exposure-disease relationships. Recent attention to compensation issues highlights the value of being able to identify workers engaged in particular activities or with specific exposure potentials.”

Copies of the final summary report are available by calling 1-800-356-4674.

### DOE, TDEC Release Annual Reports for FY 2000

Two summary documents have been released recently detailing the state of environmental management activities on the Oak Ridge Reservation.

DOE's *Federal Facility Agreement Annual Progress Report for Fiscal Year 2000* (DOE/OR/01-1927&D1), offers descriptions, FY 2000 accomplishments, issues, and FY 2001 plans for 33 remediation projects at the East Tennessee Technology Park, the Y-12 Plant and Oak Ridge National Laboratory. It also provides a description of the public involvement activities of DOE's Environmental Management Program and a list of program contractors. Copies are available at the DOE Information Resource Center, 105 Broadway, Oak Ridge (865-241-4582).

The Tennessee Department of Environment and Conservation (TDEC) *Status Report to the Public* describes the activities of the five program sections of the TDEC DOE Oversight Division. Like DOE's annual, this document also provides general overview information. The substance of the report, though, is found in Chapters 4, 5 and 6, which describe the Oak Ridge regional environment, key challenges, and health studies, respectively. Copies are available at the DOE Information Resource Center and the DOE Reading Room. Review copies may be found at the public libraries in Clinton, Dayton, Kingston, Knoxville, Loudon County, Meigs County, Oak Ridge, and Wartburg. The report is also available on TDEC's web site at [www.state.tn.us/environment/doeo/intro.htm](http://www.state.tn.us/environment/doeo/intro.htm).

### State Denies DOE Request to Store Wastes at Reservation

In February, the state of Tennessee rejected a request from DOE to temporary store transuranic wastes from Battelle Laboratories in Ohio before shipping them to the Waste Isolation Pilot Plant in New Mexico.

In a letter addressed to DOE's Carlsbad, New Mexico, office, Governor Sundquist stated that “Oak Ridge is shown as a potential destination for three shipments from Battelle Columbus beginning in March 2001. This is not an option. Tennessee will not become an interim radioactive waste storage facility for the DOE Complex.”

The letter also states that “...the State will consider treatment and packaging of out-of-state Transuranic Waste on a case-by-case basis after the Oak Ridge TRU (Transuranic Waste) Processing Facility is operational, and Oak Ridge Waste is routinely shipped to WIPP.”

Foster Wheeler Corporation, which is constructing the Transuranic Waste Processing Facility, held a groundbreaking ceremony for the facility in January. With operations expected to begin in late 2002 and shipments to WIPP to follow soon after, the likelihood of the Ohio wastes staying on the Oak Ridge site for many months was good. Oak Ridge wastes were approved for acceptance at WIPP last year after several years of discussion between the states and DOE.



## Report from the National SSAB Chairs' Meeting



By Luther Gibson,  
ORSSAB Chair

Twice yearly the Chairs of the SSABs meet to discuss DOE EM projects and policy. The recent meeting, hosted by the Community Advisory Board for Nevada Test Site

Programs, was held February 8-10 in Las Vegas. The meeting began with an optional tour of the Nevada Test Site and the Yucca Mountain Project on February 8 and continued with meetings on the following two days.

Peery Shaffer, Corkie Staley, Charles Washington, and I participated in the meetings, which focused on board process issues: work plans and agendas, new member recruitment, public outreach, committee structure, and development of recommendations.

At the "round robin" icebreaker on Friday morning, February 9, chairs introduced participants from their boards and discussed three issues of current concern to their boards. The issues we raised were alternatives to incineration, the on-site CERCLA disposal cell, and stewardship.

Discussion continued on process topics. Most boards were more directly involved in selection of members than is Oak Ridge. Many boards vote directly to recommend individuals to fill designated Board openings. An advantage of our independent membership selection process is more time available for work on issues.

Most of the boards conduct annual or more frequent retreats and seek input from DOE, EPA, and state regulators. Most also have an executive committee or equivalent body that sets agendas.

Without exception, the boards agreed that effective committees were the key to developing recommendations and advice. The ORSSAB Stewardship Committee was undoubtedly the best example of open participation by the public in committee work.

Most boards reported only marginal results from their public outreach programs. Videotaping and broadcast of meetings on local cable television were unique to Oak Ridge.

Formality of evaluations varies among boards. Rocky Flats has the most formal process, using a 10-page form. Idaho does a "plus and delta" oral evaluation at end of each meeting. We reported that our annual report provides a quick overview of activities and accomplishments, and discussion of the previous year's progress is held at our annual planning retreat.

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